GOVERNMENT OF INDIA
LABOUR
LOK SABHA

STARRED QUESTION NO:201
ANSWERED ON:12.03.2001
AMENDMENT IN INDUSTRIAL DISPUTE ACT
RAGHUNATH JHA

Will the Minister of LABOUR be pleased to state:

(a) whether the Supreme Court has observed the delay in carrying out the amendment in the Industrial Dispute Act, 1947;

(b) if so, the action taken threreon;

(c) whether the amendment has since been carried out and if not, the reasons therefor; and

(d) the time by which the necessary amendment is likely to be carried out?

Answer

MINISTER OF LABOUR (DR. SATYANARAYAN JATIYA)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 201 FOR 12TH MARCH 2001.

(a) to (c): The Hon`ble Supreme Court has made certain observations on Section 2(i) of the Industrial Disputes Act, 1947 in acase in which the question to be decided was, whether Agricultural Produce Market Committee established under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966, was an `industry` under the Industrial Disputes Act.It has not been possible to notify Section 2(c) of the Industrial Disputes (Amendment) Act, 1982 for want of Alternative Grievance Redressal Machinery for the employees of establishments/undertakings who would get deprived of the existing legal protection if the amendment get notified.

(d): Parliament had passed the amendment after taking into consideration the intention of the Government as indicated in the Statement of Objects and Reasons of Industrial Disputes(Amendment) Act 1982 to have a separate law for the settlement of grievances/ disputes of workmen in respect of institutions excluded from the definition of the term `industry`.

Notification of section 2(c) of the Industrial Disputes (Amendment) Act,1982 will have to await finalisation of the alternative grievance redressal machinery and until then the existing definition of `industry` under the Industrial Disputes Act, 1947 would continue to prevail.